

# PATENT COOPERATION TREATY

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### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40853-01-5127WO	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/US04/08593	International filing date (day/month/year) 18 March 2004 (18.03.2004)	Priority date (day/month/year) 18 March 2003 (18.03.2003)	
International Patent Classification (IPC) or national classification and IPC IPC(7): C08K 3/20; C08F 116/06 and US Cl.: 523/406; 525/56; 568/303, 305, 377, 420, 579, 583, 589,			
Applicant NEOSE TECHNOLOGIES, INC.			

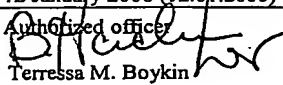
  

<p>1.</p> <p>2.</p> <p>3.</p> <p style="margin-left: 20px;">a.</p> <p style="margin-left: 40px;"><input type="checkbox"/></p> <p style="margin-left: 40px;"><input type="checkbox"/></p> <p style="margin-left: 40px;"><input type="checkbox"/></p> <p style="margin-left: 20px;">b.</p> <p style="margin-left: 40px;"><input type="checkbox"/></p>	<p>This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">(sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:</p> <p style="margin-left: 40px;">sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;">sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
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<p>4.</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>This report contains indications relating to the following items:</p> <p>Box No. I      Basis of the report</p> <p>Box No. II      Priority</p> <p>Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>Box No. IV      Lack of unity of invention</p> <p>Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>Box No. VI      Certain documents cited</p> <p>Box No. VII      Certain defects in the international application</p> <p>Box No. VIII      Certain observations on the international application</p>
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<p>Date of submission of the demand</p> <p>13 August 2004 (13.08.2004)</p>	<p>Date of completion of this report</p> <p>12 January 2006 (12.01.2006)</p>
<p>Name and mailing address of the IPEA/ US</p> <p>Mail Stop PCT, Attn: IPEA/US</p> <p>Commissioner for Patents</p> <p>P.O. Box 1450</p> <p>Alexandria, Virginia 22313-1450</p> <p>Facsimile No. (571) 273-3201</p>	<p>Authorized officer</p> <p></p> <p>Terresa M. Boykin</p> <p>Telephone No. 571 272 1201</p>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/08593

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☒ the description:
- pages 1-5 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages 6 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/08593

## Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)

Claims 1-2 YES  
Claims NONE NO

Inventive Step (IS)

Claims 1-2 YES  
Claims NONE NO

Industrial Applicability (IA)

Claims 1-2 YES  
Claims NONE NO

### 2. Citations and Explanations (Rule 70.7)

Claims 1-2 meet the criteria set out in PCT Article 33(2), because the prior art does not teach the activated water-soluble polymer.


Claims 1-2 meet the criteria set out in PCT Article 33(3), because the prior art does not fairly suggest the activated water-soluble polymer.



Claims 1-2 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry for medicinal application

VIII-4-1	<p>Declaration: Inventorship (only for the purposes of the designation of the United States of America)</p> <p>Declaration of Inventorship (Rules 4.17(iv) and 51bis.1(a)(iv)) for the purposes of the designation of the United States of America:</p>	<p>I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.</p> <p>This declaration is directed to the international application of which it forms a part (if filing declaration with application).</p> <p>I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications", by application number, country or Member of the World Trade Organization, day, month, and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.</p>
VIII-4-1-1	Prior applications:	

Executed after  
IA filing date.



		<p>I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>
VIII-4-1-1-1	Name (LAST, First)	DEFREES, Shawn
VIII-4-1-1-2	Residence: (city and either US State, if applicable, or country)	North Wales, Pennsylvania
VIII-4-1-1-3	Mailing address:	126 Filly Drive North Wales, PA 19454 United States of America
VIII-4-1-1-4	Citizenship:	North Wales Pennsylvania United States of America
VIII-4-1-1-5	Inventor's Signature: (If not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)	US
VIII-4-1-1-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)	 3/31/2004

VIII- 4-1-2-1	Name (LAST, First)	ZOPF, David, A.
VIII- 4-1-2-2	Residence: (city and either US State, if applicable, or country)	Wayne, Pennsylvania
VIII- 4-1-2-3	Mailing address:	560 W. Beechtree Lane Wayne, PA 19087 United States of America Wayne Pennsylvania United States of America
VIII- 4-1-2-4	Citizenship:	US
VIII- 4-1-2-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)	 3/31/04
VIII- 4-1-2-6	Date (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)	
VIII- 4-1-3-1	Name (LAST, First)	BOWE, Caryn
VIII- 4-1-3-2	Residence: (city and either US State, if applicable, or country)	Doylestown, Pennsylvania
VIII- 4-1-3-3	Mailing address:	276 Cherry Lane Doylestown, PA 18901 United States of America Doylestown Pennsylvania United States of America
VIII- 4-1-3-4	Citizenship:	US
VIII- 4-1-3-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)	 3/31/2004
VIII- 4-1-3-6	Date (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)	